

#A/5

Customer No.	026418	
Attorney's Docket No.:	GK-ZEI-3279 / 500345.20300	
U.S. Application No.:	10/353,617	10/535617
International Application No.:	PCT/IT2003/000747	
International Filing Date:	NOVEMBER 18, 2003	18 NOVEMBER 2003
Priority Date Claimed:	NOVEMBER 19, 2002	19 NOVEMBER 2002
Title of Invention:	EXCIMER LASER UNIT AND RELATIVE CONTROL METHOD FOR PERFORMING CORNEA ABLATION TO REDUCE PRESBYOPIA	
Applicant(s) for (DO/EO/US):	Franco BARTOLI	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)]. The submission must include items (5), (6), (9), and (21) indicated below.
- 4. The US has been elected (Article 31).
- 5. A complete copy of **Publication No. WO 2004/052253 24JUN04** the International Application as filed [35 U.S.C. 371(c)(2)]
  - a)  is attached hereto (required only if not communicated by the International Bureau).
  - b)  has been communicated by the international Bureau.
  - c)  is not required, as the application was filed in the United States Receiving Office (RO/US)
- 6. An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a)  is attached hereto
  - b)  has been previously submitted under 35 U.S.C. 154(d)(4).
- 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a)  are attached hereto (required only if not communicated by the International Bureau).
  - b)  have been communicated by the international Bureau.
  - c)  have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d)  have not been made and will not be made
- 8. An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- 9. An EXECUTED Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]
- 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

**Items 11. to 20. Below concern other document(s) or information included:**

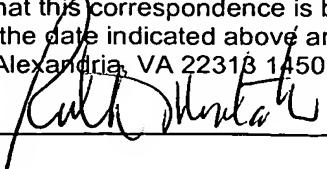
- 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98
- 12. An Assignment document for recording. A separate cover sheet (PTO-1595) in compliance with 37 CFR 3.28 and 3.31 is included.
- 13. A preliminary amendment (+)
- 14. An Application Data Sheet under 37 CFR 1.76
- 15. A substitute specification with abstract (attached to the preliminary amendment)
- 16. A change of power of attorney and/or address letter
- 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 V+CFR1.821-1.825.
- 18. A second copy of the published International Application under 35 U.S.C. 154 (d)(4).
- 19. A second copy of the English language translation of the International Application under 35 U.S.C. 154 (d)(4).
- 20. (other items or information) 371 Formalities letter dated December 9, 2005.

(\* Please note the preliminary amendment is submitted to eliminate the multiple dependency of the claims in order to reduce the filing fee)

EXPRESS MAIL No.: EL 963 991 791 US

Deposited: February 6, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
/Ruth Montalvo Date: February 6, 2006

U.S. Application No. (if known, see 37 C.F.R. 1.50): **10/535,617**International Application No.: **PCT/IT2003/000747**

Attorney's Docket No: GK-ZEI-3279/500343.203004

 **21.** The following fees are submitted:

			Applicant use	Office use only
[X] a)	BASIC NATIONAL FEE	\$ 300.00	\$	
[X] b)	Examination fee	\$ 200.00	\$	
[X] C)	Search fee	\$ 500.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS: \$ 1,000.00</b>				

[ ] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.

Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number.)	Rate
- 100 =	/50 =		X \$250.00

Surcharge of \$ 130.00 for furnishing the oath or declaration later than 30 month from the earliest claimed priority date (37 CFR 1.492(e))

Claims	Number Filed	Number Extra	Rate
Total Claims:	17	- 20	X \$ 50.00
Independent Claims:	3	- 3	X \$ 200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360.00
<b>TOTAL OF ABOVE CALCULATIONS:</b>			<b>\$</b>

Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date [37 CFR 1.492(e)]

+	<b>\$130.00</b>
<b>TOTAL OF ABOVE CALCULATIONS:</b>	
<b>\$130.00</b>	

[ ] Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by ½ for filing by small entity -

<b>SUBTOTAL:</b>	<b>\$130.00</b>
------------------	-----------------

Processing fee of \$130.00 for furnishing the English Translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date [37 CFR 1.492(f)]

+	<b>\$130.00</b>
<b>TOTAL NATIONAL FEE:</b>	

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property

+	<b>\$</b>
<b>TOTAL FEE(S):</b>	

02/09/2006 LLANDGRA 00000054 10353617	AMOUNT TO BE REFUNDED	\$
01 FC:1617 130.00 0P	AMOUNT TO BE CHARGED	\$

**(Please note the filing fee is based on the claims in the Preliminary Amendment)**

a)  Check in the amount of \$ 130.00 to cover the above fees is enclosed.

Repln. Ref: 05/05/2006 WCLAYBRO 0011535800

b)  Please charge my Deposit Account No: 50-1529 in the amount of \$130.00 to cover the fee..

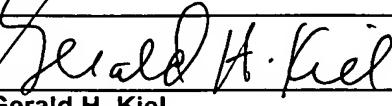
FC: 9204

Adjustment date: 05/05/2006 (The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit 02/09/2006 LLANDGRA 00000054 10353617 Deposit Account No: 50-1529.)

01 FC:1617 -130.00 0P

d)  Fee are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:	Signature:	
Gerald H. Kiel, Esq.	Attorney:	Gerald H. Kiel
Reed Smith LLP	Reg. No.	25,116
599 Lexington Avenue	Date:	February 6, 2006
New York, NY 10022-7650		



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 PO Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,617	Franco Bartoli	GK-ZEI-3279 / 500343.203020
		INTERNATIONAL APPLICATION NO.
		PCT/IT03/00747
		I.A. FILING DATE
		11/18/2003
		PRIORITY DATE
		11/19/2002
CONFIRMATION NO. 7497		
371 FORMALITIES LETTER		
 *OC000000017602613*		

Date Mailed: 12/09/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/19/2005
- Copy of the International Search Report filed on 05/19/2005
- U.S. Basic National Fees filed on 05/19/2005
- Priority Documents filed on 05/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$510** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of **\$130** for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$640** for a Large Entity:

- **\$130** Surcharge.

**DOCKET**  
*Due Feb 9, 2006 Executed Decl. Due + Additional fee Due  
 Due Feb 9, 2006 Executed Decl. + Additional fee Deadline*

- Total additional claim fee(s) for this application is **\$ 510**
  - **\$150** for 3 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

---

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

---

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,617	PCT/IT03/00747	GK-ZEI-3279 / 500343.2030

FORM PCT/DO/EO/905 (371 Formalities Notice)